

ESTTA Tracking number: **ESTTA759276**

Filing date: **07/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	YURIY SYNITSYA		
Entity	Individual	Citizenship	UKRAINE
Address	Pukhova, 144/38 CHERNIGIV, 14032 UKRAINE		

Attorney information	John Alunit ALUMIT IP 135 S. Jackson Street, Suite 200 Glendale, CA 91205 UNITED STATES john@alunitip.com Phone:8182444861		
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Registration Subject to Cancellation

Registration No	4586484	Registration date	08/19/2014
International Registration No.	NONE	International Registration Date	NONE
Registrant	Mag. Stefan WÄlgerbauer Hauptstraße 59 AUSTRIA		

Goods/Services Subject to Cancellation

Class 011. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Lighting apparatus and installations, namely, landscape lighting installations, lighting apparatus, namely, lighting installations, flat panel lighting apparatus; components and accessories for lighting apparatus and installations, namely, component parts for lighting apparatus, light bulbs; lamps, lamp shades, lanterns for lighting, steel lamps, wall lamps, chandeliers, crystal chandeliers
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	TTAB - Petition to Cancel - KOLLARZ.pdf(70374 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/john alumit/
Name	John Alumit
Date	07/19/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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_____)	
YURIY SYNYTSYA)	
)	
Petitioner,)	
)	
v.)	
)	Cancellation No. _____
Mag. Stefan Wögerbauer,)	
)	Registration No. 4586484
Registrant,)	
_____)	

PETITION TO CANCEL

Petitioner, YURIY SYNYTSYA, an individual of the Ukraine, whose principal place of business is located at Pukhova, 144/38 CHERNIGIV 14032 UKRAINE, hereby petitions to cancel class 011 of trademark registration number 4586484 (KOLARZ), registered on August 19, 2014, and owned by Mag. Stefan Wögerbauer, an individual of Austria, whose principal place of business is located at Hauptstraße 59 A-2371 Hinterbrühl AUSTRIA.

As grounds in support of its Petition to Cancel, Petitioner asserts as follows:

1. Petitioner is the common law owner of the trademark COLLAR in connection with various goods in class 011.
2. On September 23, 2015, Petitioner filed an application for the mark COLLAR in connection with “aquarium lights; aquarium heaters; aquarium filtration apparatus; air deodorising apparatus; ionization apparatus for the treatment of air or water; air purifying apparatus and machines; germicidal lamps for purifying

air; fans; ventilation installations and apparatus; whirlpool-jet apparatus; water conduits installations; water heaters; water intake apparatus; water softening apparatus and installations; water heaters; water purification installations; water purifying apparatus and machines; water filtering apparatus; disinfectant apparatus; distillation apparatus; distillation columns; electric lamps; immersion heaters; level controlling valves in tanks; lanterns for lighting; heating elements; stoves; heating installations; heating installations / hot water heating installations; heating apparatus, electric; light-emitting diodes lighting apparatus; purification installations for sewage; diving lights; radiators; radiators, electric; regulating accessories for water or gas apparatus and pipes; regulating accessories for water or gas apparatus and pipes; lamps; lighting apparatus and installations; light bulbs; light bulbs, electric; light diffusers; water sterilizers; drying apparatus and installations; heat pumps; luminous tubes for lighting; ultraviolet ray lamps, not for medical purposes; air conditioning installations; installations for conditioning air; air cooling apparatus; air filtering installations; filters for air conditioning; filters for drinking water,” in class 011 (“Petitioner’s Mark”). The application was assigned serial no. 86765217.

3. On January 12, 2016, Petitioner’s trademark application serial no. 86765217 was refused based on a likelihood of confusion with the registration no. 4586484 for the mark KOLARZ in class 011, owned by Registrant.
4. Petitioner believes it will be harmed by the continued registration of registration no. 4586484 because registration no. 3846919 prevents Petitioner’s application no. 86765217 from registering.

COUNT ONE: ABANDONMENT

5. Upon information and belief, Registrant has abandoned the mark KOLARZ in connection with goods in class 011 in the United States.
6. On April 13, 2016 and again on May 30, 2016, Petitioner contacted Registrant via written correspondence and email at the address of record for registration no. 4586484. The addressee, Schenz & Haider Rechtsanwälte OG, confirmed

forwarding the correspondence to Registrant.

7. Said correspondence requested evidence of use in the United States.
8. To date, Registrant has not responded to Petitioner's correspondence concerning registration no. 4586484.
9. Petitioner is unaware of any evidence of use of Registrant's mark in the United States, or any bona fide attempts to commence use.

WHEREFORE, Petitioner prays that this Petition to Cancel be sustained and that Registration no. 4586484 be cancelled.

Date: July 19, 2016

By: /john alunit/
JOHN ALUMIT
ALUMIT IP
135 S. Jackson Street, Suite 200
Glendale, CA 91205

Attorney for Petitioner
YURIY SYNYTSYA

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITION TO CANCEL** has been served on counsel for Registrant, Schenz & Haider Rechtsanwälte OG, on
July 19, 2016, via First Class U.S. Mail, postage prepaid to:

Schenz & Haider Rechtsanwälte OG
Enzersdorfer Straße 4
A-2340 Mödling AUSTRIA

/mike scott/

Mike Scott